

Terms of Reference: Temporary Medical Exemptions Panel for the COVID-19 Vaccine

1. Introduction

1.1 These Terms of Reference establish the Medical Exemptions Panel for the COVID-19 Vaccine (the Panel) and set out the:

- role and functions of the Panel
- composition of the Panel
- term and work plan requirements
- reporting requirements
- terms and conditions of appointment
- duties and responsibilities of Panel members.

2. Functions of the Panel

2.1 The Panel provides experienced health professional oversight to the mandated temporary medical exemption process.

2.2 The Panel receives and considers applications for temporary medical exemptions, and recommends to the Director General of Health (or delegate) they are satisfied the application is in order to grant or decline a temporary medical application for a period of up to six months.

2.3 The Panel seeks advice as appropriate to recommend a temporary medical exemption.

2.4 The Panel monitors activity and evaluates the temporary medical exemption process for the purposes of reporting, audit and revision of clinical and policy settings as required to:

- maintain consumer safety
- ensure consistency and integrity of the exemption process
- ensure the effectiveness in achieving the goals and outcomes of the COVID-19 Protection Framework.

3. Composition of the Panel

- 3.1 The Panel is appointed by the Director General of Health and comprised of the following:
- Independent Chair
 - Māori Health Leader
 - Registered Health Practitioner – four members
- 3.2 A Deputy Chair will be appointed by the Director General of Health from the panel members.
- 3.3 At least one member will have a recognised awareness of te reo Māori and understanding of tikanga Māori.
- 3.4 Members of the Panel will contribute their specific knowledge, expertise and perspective.
- 3.5 In making themselves available for appointment, members should ensure that:
- there is no conflict of interest which would preclude their appointment; and
 - they are available to serve for the full term of their appointment.
- 3.6 The Panel will be supported by a Secretariat within the Ministry of Health.

4. Reporting Requirements

- 4.1 The Panel will provide weekly reporting to the Director, National Immunisation Programme, with a reporting period Thursday to Wednesday.
- 4.2 The Panel will provide a regular report of its activities to the Director General of Health setting out activities and summarising outcomes.
- 4.3 The Panel Chair will consult with the Director, National Immunisation Programme on matters relating to the effective functioning of the Panel.

5. Establishment, Review Process and End Date

- 5.1 The Panel is established on 8 November 2021, on appointment by the Director General of Health.
- 5.2 The Panel's Terms of Reference will be reviewed after 2 months and then at minimum 6 monthly.

6. Meetings

- 6.1 Meetings will be held at such time and places as the Panel or Chair decides necessary to meet the time commitment for response to the applicant.
- 6.2 At any meeting a quorum will consist of three members plus the Chair.
- 6.3 The Secretariat supporting the Panel will maintain an interest register, listing members' interests relevant to the Panel's business. Declaration and discussion of conflicts of interest will be a standing item on each meeting's agenda, and actions arising out of this item will be recorded in the minutes.

7. Duties and Responsibilities of a Member

- 7.1 Members have a commitment to work for the public of New Zealand. Members are accountable to the Ministry of Health.
- 7.2 Panel members attend meetings and undertake Panel activities as independent persons responsible to the Panel as a whole and are not representatives of professional organisations or communities. This issue is particularly important when Panel members may, at times, be required to be party to decisions which conflict with the views of other organisations with which they are involved.
- 7.3 There is an expectation that members will attend all meetings and devote sufficient time to become familiar with the affairs of the Panel and the wider environment within which it operates.
- 7.4 Members have a duty to ensure that a consumer is not denied the benefits of immunisation due to the withholding of vaccines for medically unjustified reasons.
- 7.5 Decision making is by consensus. If a consensus cannot be reached, the Chair has the deciding vote.
- 7.6 The Panel may consult with experts in the performance of its functions.

8. Removal from Panel

- 8.1 The Ministry may, at any time and entirely at the Ministry's discretion, remove any member from the Panel.

9. Conflicts of Interest

- 9.1 Members should perform their functions in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will enable public confidence in the work of the committee to be maintained.

When members believe they have a conflict of interest on a subject which will prevent them from reaching an impartial decision or undertaking an activity consistent with the Panel's functions, then they must declare a conflict of interest and absent themselves from the discussion and/or activity. This must be done at the earliest possible opportunity, in the regular agenda item around conflicts of interest, and at the point the relevant item of business comes up in the meeting.

10. Liability

- 10.1 Members are not liable for any act or omission done or omitted in their capacity as a member, if they acted in good faith, and with reasonable care, in pursuance of the functions of the Panel.

11. Confidentiality

- 11.1 Meetings, including agenda material and minutes, are confidential. Members must ensure that the confidentiality of Panel business is maintained.
- 11.2 Members are free to, and are expected to, express their own views within the context of meetings, or the general business of the Panel. Members must publicly support a course of action decided by the Panel, or if unable to do that, must not publicly comment on decisions.
- 11.3 At no time shall members divulge details of Panel matters or decisions to people who are not members, or Ministry employees. Disclosure of Panel business to anyone outside the Ministry must be the decision of the Ministry.
- 11.4 Panel members must ensure that documents are kept securely to ensure that confidentiality is maintained. Release of correspondence or papers can only be made with the approval of the Ministry. At the end of a member's term, all Panel information must be returned to the Ministry.

12. Remuneration and expenses

- 12.1 Members of the Panel are paid fees for attendance at meetings, in accordance with the Cabinet Office Circular CO (12) 6 Fees framework for members appointed to bodies in which the Crown has an interest (or its successor circular).
- 12.2 Members who are employees of the wider State sector are not entitled to be paid fees for Panel business if this is conducted during regular paid work time (i.e., members cannot be paid twice by the Crown for the same hours).
- 12.3 Members are entitled to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their duties. The expectation is that the standards of travel, accommodation, meals and other expenses are modest and appropriate to reflect public sector norms.

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